

**EDDY COUNTY COMMISSION MEETING
MINUTES OF A REGULAR MEETING
March 2, 2021**

Be it remembered that the Eddy County Board of Commissioners held a regular meeting in the Eddy County Administration Complex-Room 211 on March 2, 2021 at 8:30 a.m. Davis called the meeting to order and led the Pledge of Allegiance and the Salute to the New Mexico State flag. Henry gave the invocation.

PRESENT:

STEVE MCCUTCHEON	CHAIR, DISTRICT 4
FRED BEARD	VICE-CHAIR, DIST 3
ERNEST CARLSON	CHAIR, DISTRICT 1
JON HENRY	COMMISSIONER, DIST 2
ALLEN DAVIS	COUNTY MANAGER
CAS TABOR	COUNTY ATTORNEY
DARLENE ROSPRIM	CHIEF DEPUTY CLERK
MARK CAGE	SHERIFF
TERRA DOUGAN	ADMINISTRATIVE ASST
JESSICA STYGAR	ASSISTANT FINANCE DIRECTOR
ROXANN BRANNON	HUMAN RESOURCES DIRECTOR
JERI STRONG	PIO/O&G LIAISON
CAROL HENNINGTON	INFO SYSTEMS DIRECTOR
KEN KEMP	INFO SYSTEMS
JENNIFER ARMENDARIZ	EMERGENCY MANAGER
VERONICA PARRAS	HEALTH CARE ADMINISTRATOR
BRIAN STEPHENS	M&O SUPERVISOR
JERRY FANNING	PUBLIC & GOVT AFFAIRS DIRECTOR
JASON BURNS	PUBLIC WORKS DIRECTOR
STEVE MCCROSKEY	COUNTY PLANNER
JOSHUA MACK	FIRE SERVICES DIR/MARSHAL
STEPHANIE YBABEN	RED ROCKET MEDIA

ABSENT:

SARAH CORDOVA	COMMISSIONER, DIST 5
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TIMED AGENDA

8:30 A.M.:

1. **PUBLIC COMMENTS/ANNOUNCEMENTS. PUBLIC COMMENTS WILL BE READ BY THE COUNTY MANAGER.** None.

2. **PUBLIC HEARING: TRANSFER OF DISPENSER LIQUOR LICENSE APPLICATION.**

- a) **OPEN – CHAIRMAN MCCUTCHEON** Carlson moved, seconded by Beard, to open the public hearing at 8:33 a.m. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0.
- b) **STAFF COMMENTS:** None.
- c) **PUBLIC COMMENT. PUBLIC COMMENTS WILL BE READ BY THE COUNTY MANAGER:** None.
- d) **COUNTY ATTORNEY COMMENTS/QUESTIONS:** Tabor reported paperwork was in order.
- e) ***ENTERTAIN A MOTION AND SECOND FROM BOARD OF COUNTY COMMISSIONERS – CHAIRMAN MCCUTCHEON** Henry moved, seconded by Carlson, to approve the transfer of the Dispenser Liquor License application.
- f) **COMMISSIONERS COMMENTS/QUESTIONS:** None.
- g) ***BOARD ACTION ON MOTION – CHAIRMAN MCCUTCHEON**
 - i. **APPROVE/DISAPPROVE TRANSFER OF DISPENSER LIQUOR LICENSE APPLICATION.** Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0.
- h) ***ADJOURN HEARING.** At 8:35 a.m., Carlson moved, seconded by Beard, to adjourn the public hearing. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0.

3. ***PRESENTATION BY ALAN BOWERS FROM CARR RIGGS & INGRAM DISCUSSING THE FY 2019-2020 COUNTY AUDIT AND APPROVAL OF R-21-27; PRESENTATION, ACCEPTANCE AND APPROVAL OF EDDY COUNTY'S FY 2019-2020 AUDIT – ROBERTA SMITH.** Bowers stated the County had an unmodified audit opinion, being the best audit opinion. See audit report attached. Beard moved, seconded by Carlson to approve the audit presentation by Alan Bowers from Carr Riggs & Ingram discussing the FY 2019-2020 County Audit. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0.

Carlson moved, seconded by Beard to approve R-21-27. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0. R-21-27 was recorded as Timed Agenda Exhibit 3.

TRAILING AGENDA:

1. **APPROVE:**

- a. ***COMMISSION MEETING MINUTES FOR FEBRUARY 16, 2021.** Henry moved, seconded by Beard, to approve the Commission Meeting Minutes for February 16, 2021, as corrected. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0.

- b. ***PURCHASE CARD APPROVAL REPORT FOR JANUARY 2021.** Carlson moved, seconded by Henry, to approve the Purchase Card Approval Report for January, 2021. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0. The Purchase Card Approval Report for January 2021 was recorded as Exhibit 1.b.
2. **TREASURER'S REPORT FOR JANUARY 2021 – LAURIE PRUITT – FYI ONLY:** The January 2021 Treasurer's Report was recorded as Exhibit 2.
3. ***JANUARY 2021 REVENUE REPORT – JESSICA STYGAR.** Stygar presented the January 2021 Revenue Report. Gross Receipt Taxes collected were \$915,558. Oil and Gas taxes collected were \$2,193,128. Gross Receipt Taxes were under budget \$170,223. Oil and Gas Taxes collected for January was \$2,193,128 and over budget by \$4,913,848. Carlson moved, seconded by Henry, to approve the January 2021 Revenue Report. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0. The January 2021 Revenue Report was recorded as Exhibit 3.
4. ***BUDGET VS. ACTUAL – JANUARY REVENUE AND EXPENSES – JESSICA STYGAR.** Stygar stated actual revenue was \$116,446,511 and actual expenses were \$106,258,809. General Fund revenue was at 80% with expenses at 86.19%. The Road Fund revenue was 80.43% and expenses were at 37.9%. Davis noted the County was just past midway through the year. He felt the County would finish the balance of the FY slightly over planned on revenue and slightly under on expenditures, aligning with the balanced budget. Stygar stated the County should be sitting at 58%. Henry moved, seconded by Beard, to approve the Budget vs. Actual January Revenue and Expenses Report. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0. The Budget v. Actual January Revenue and Expenses Report was recorded as Exhibit 4.
5. ***NMC COMMISSIONER AFFILIATE MEMBERSHIP AND DUES – ALLEN DAVIS.** Carlson moved, seconded by Beard to approve the payment of NMC Commissioner Affiliate Membership and Dues. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0.
6. **VILLAGE OF HOPE'S 2021 SPRING CLEANUP – ALLEN DAVIS – FYI ONLY.** Davis noted the County would assist with the annual cleanup, providing and collecting roll-offs.
7. ***APPROVE/DISAPPROVE – ONE (1) INDIGENT BURIAL – VERONICA PARRAS.** Beard moved, seconded by Henry, to approve one indigent burial. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0.
8. ***VOLUNTEER FIRE DEPARTMENT PERA FORM APPROVALS – JOSHUA MACK.** Mack stated The PERA forms were signed annually. Henry moved,

seconded by Beard, to approve the chairman to sign the Volunteer Fire Department PERA Forms. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0.

9. ***RESOLUTION AND AGREEMENT CONSENT AGENDA:** Since all of the items listed below have been distributed to the Commissioners in advance for review and are of a routine and non-controversial nature, they will be enacted by a single motion. Any Commissioner or the County Manager may remove an item from this Resolution and Agreement Consent Agenda if separate discussion is desired. Any item so removed shall be placed on the Trailing Agenda immediately following the approval of this Resolution and Agreement Consent Agenda or later, at a specific time or place on the Trailing Agenda.

a. **RESOLUTIONS:**

- i. **R-21-26; FTI CONSULTING'S MONTHLY REPORT FOR JANUARY 2021 – ALLEN DAVIS.**
- ii. **R-21-28; DISPOSAL, REMOVAL, OR REVISE ITEMS IN THE EDDY COUNTY INVENTORY/ASSETS – JESSICA STYGAR.**
- iii. **R-21-29; RESOLUTION SUPPORTING REINSTATEMENT OF A STATE MEAT INSPECTION PROGRAM IN NEW MEXICO – ALLEN DAVIS.**
- iv. **R-21-30; EDDY COUNTY PUBLIC WORKS RIGHT OF WAY POLICY & PROCEDURE – JASON C. BURNS.**

b. **AGREEMENTS:**

- i. **A-21-23; EXTENSION OF A-20-152; GRANT FUNDS CENTER FOR TECH AND CIVIC LIFE (CTCL) – ROBIN VAN NATTA.**
- ii. **A-21-24; STANTEC TASK ORDER #19 – PARIS STREET – WASTEWATER AND ROADWAY IMPROVEMENTS 2021 PROPOSAL – STEVEN MCCROSKEY.**

Henry moved, seconded by Carlson, to approve the Resolution and Agreement Consent Agenda, pulling for discussion R-21-29 and R-21-30. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0. R-21-26 and R-21-28 were recorded as Exhibits 9.a.i. and 9.a.ii. A-21-23 - A-21-24 were recorded as Exhibits 9.b.i. through 9.b.ii.

Following discussion, Carlson moved, seconded by Beard, to approve R-21-29. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0. R-21-29 was recorded as Exhibit 9.a.iii.

The County Right-of-way Policy and Procedures were discussed. A collaborative effort between the County, industry and landowners had been made. Burns summarized that the changes were to meet industry standards, revise the fee schedule and to improve the long-term safety of the County roads with consistency, being mutually beneficial. Davis added that the idea

was that the County not be in the pipeline right-of-way business. Carlson moved, seconded by Beard, to approve R-21-30. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0. R-21-30 was recorded as Exhibit 9.iv.

10. DEPARTMENT UPDATES. Armendariz thanked the Commission for their support for opening doors to have vaccine clinics. She updated the Commission on the recent Vaccine Community Clinic that involved Carlsbad Medical Center, City of Carlsbad, Department of Health and Eddy County. The clinic dispensed 503 vaccine immunizations. To date, 1,221 vaccinations have been done at the community clinic. She stated the goal was to do the clinics each Monday with the help from the same group. She noted individuals in Phase 1A were still being addressed. Seven hundred vaccines were ordered for next Monday. She appreciated all the City and County employees who helped. Armendariz noted DOH was in charge of the number of vaccines dispensed. Davis added Eddy County was still at the bottom of the number of vaccinations given in the state. Armendariz stated Eddy County still had 507 individuals over 75+ unvaccinated and still in the portal. She noted progress could not be made to move forward until those were vaccinated or justification could be made as to why they had not been vaccinated; it was holding us back from moving to the next immunization level. Davis noted the limited vaccinations dynamic was changing with new and additional vaccines available. Carlson inquired if a mobile unit could help inoculate those 75+. Armendariz noted the State would have to give approval to move vaccines from one area to the other. She noted the difficulty getting vaccine via EMS to two homebound people yesterday. Armendariz stated the County did not have access to all the information of those registered, only the appointment information at the community clinic. Carlson requested the possibility of a mobile unit be explored. Armendariz noted there were no rules and rural communities could continue on to Phase 1B since rural communities would fulfill Phase 1A before urban communities would. Armendariz noted if vaccinations were left over at the end of the day, individuals on the portal would be called. Hyper-reach recently had been implemented to notify of extreme weather issues.

11. LEGISLATIVE UPDATES. Fanning updated the Commission on the bills being presented at the Legislative Session, their progress through the Legislative process and their possible consequences, if passed.

12. TRAVEL REQUEST CONSENT AGENDA: None.

13. EMERGENCY BUSINESS. None.

14. LEGISLATORS AND ELECTED OFFICIALS' COMMENTS/ANNOUNCEMENTS/UPDATES. Sheriff Cage related the current Legislative bills possibly affecting law enforcement. He noted the

NMSU study did not make it on the agenda, but is on the NMC web and Facebook pages. He noted the SO would be down to two vacancies if the current interviewee were to be hired. Two employees were currently at the Academy and were first and second in their class. He thanked the IT Department for all the recent help and support. He noted traffic controls would be conducted to curb the racing action outside of town and traffic around road construction project areas.

15. COUNTY MANAGER'S COMMENTS/ANNOUNCEMENTS/UPDATES. Davis thanked Armendariz for coordinating the vaccination clinic. He would have a conference call this week with the Governor concerning the brine well. He felt the County would not pay anything more, as there has been no communication on the issue from anyone. He had shared with media the County perspective on the local economy and executive orders. He felt the objective of the Green Deal was not a binary deal and was not physically feasible. He had spoken with others on how to create a message to be heard and understood with the County supporting the local industries. He thanked the partnerships developed with the City of Carlsbad. The budget process was in full swing; public works progress and outlook would be shared in the near future. The Alert Outreach system was up working. He thanked the departments and volunteers helping with the vaccines.

16. COUNTY COMMISSIONERS' COMMENTS/ANNOUNCEMENTS/UPDATES. Henry was glad to get the press release out that explained the recent recorded spike in virus cases. The County was on an amazing path the last few weeks. He wished the recovered numbers were considered in the numbers. He thanked City of Carlsbad, Davis and Artesia Chamber of Commerce for getting the press release done. He recently looked up the NM Restaurant Association's contributions to the State. The amount was \$4B, producing 96,400 jobs before the virus. He wondered how much of the \$100M that was alleged to be generated from marijuana would go to education, whereas, \$1.37B had been contributed to education by oil and gas.

Carlson did not know how a \$14B industry could be diversified. He felt one should not complain about something unless you had a solution.

Beard felt a few things might be breaking our way, which he contributed to County Manager Davis and all he had done promoting the County and industry. He did not understand why folks would want to destroy law enforcement, but felt people were starting to wake up and things were looking better. He appreciated the information disseminated to the public.

McCutcheon appreciated Klein in Artesia for arranging the upcoming Zoom meeting. Five hundred people could be invited to attend. He felt oil and gas could not be replaced and we should use all the natural resources that we had. We needed education to be aware of where the money came from and

how they could run education without oil and gas. He agreed to not fund the brine well, that it was OCDs well and felt transparency was needed. He noted Amazon was now banning books, and now it was a war against a certain class of people. He felt every person was exactly the same but should be judged on their character, like Martin Luther King stated. He felt truth was really difficult to discern and encouraged all to ingest truth. If we did not study history, we were doomed to repeat it. He encouraged us to be steady, constant, informed people and to keep moving forward.

17. EXECUTIVE SESSION: None.

18. *ADJOURN: At 10:36 a.m., Beard moved, seconded by Carlson, to adjourn the meeting. Voting yes: Henry, McCutcheon, Beard and Carlson. Passed 4-0.

~Asterisks denote vote is required~

COMMISSION CHAIR, STEVEN MCCUTCHEON

ATTEST:

COUNTY CLERK, ROBIN VAN NATTA

DATE